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Attachment to  
Paper # 3

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# Fax Cover Sheet

Date: 23 Apr 2004

To: David Grossman	From: Andrew W. Johns
Application/Control Number: 09/840,054	Art Unit: 2621
Fax No.: (703) 689-4881 <i>(571) 323-0071</i>	Phone No.: (703) 305-4788
Voice No.: (703) 689-4881	Return Fax No.: (703) 872-9306
Re: Docket No. 1005-7U	CC:
<input checked="" type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input checked="" type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Please review the attached proposal and contact the examiner to discuss this application.

Number of pages 18 including this page

**STATEMENT OF CONFIDENTIALITY**

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Alexandria, VA 22313-1450

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/840,054	SCHUMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew W. Johns	2621	#3

All participants (applicant, applicant's representative, PTO personnel):

- (1) Andrew W. Johns, examiner. (3) \_\_\_\_\_  
 (2) David Grossman, applicant. (4) \_\_\_\_\_

Date of Interview: 10 May 2004.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 18 and 25.

Identification of prior art discussed: Allebach et al. (US 4,949,389 A) and Javidi et al. (US 5,119,443 A).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

ANDREW W. JOHNS  
PRIMARY EXAMINER



Examiner's signature, if required

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner pointed out that apparatus claim 25 does not define any connectivity or functionality in relationship to the claimed apparatus elements. Examiner pointed out how Allebach et al. and Javidi et al. could be applied to reject this claim. Examiner proposed an amendment to claim 25 (see attachment) to incorporate the functionality of method claim 1 into claim 25 to better define applicant's invention and place application in condition for allowance. Examiner also proposed correcting an apparent typographical error in claim 18. Applicant suggested some modifications in the proposed language of claim 25. Specifically, applicant suggested changing "inputting" in item (a) to read --capable of producing--; "acting on the input light" in item (b) to read --capable of acting on the light--; "using a disruptive light modulation pattern" in item (c) to read --using at least one disruptive light pattern--; and "said disruptive ight modulation pattern" in item (d) to read --said at least one disruptive light pattern--. Examiner indicated that these modifications would be acceptable. Applicant also indicated that an IDS was being submitted. Examiner indicated that the IDS would be fully considered, and that unless the IDS raised new issues, the agreed upon changes to claims 18 and 25 would be entered by Examiner's Amendment and the application allowed.

Mr. Grossman:

I have reviewed the above referenced application, and am prepared to indicate the allowability of independent (method) claim 1. However, independent claim 25 (your apparatus claim) merely includes a list of apparatus elements, without any claim language defining the connectivity or relationship between these elements, or any of the functionality of these components. Therefore, claim 25 would be anticipated by any prior art that simply included five elements that correspond to the elements listed in the claim. For your convenience, I've reproduced claim 25 below:

25. An apparatus for visual copyright protection comprising:

- (a) a light source;
- (b) a light array;
- (c) a light array controller; and
- (d) a disruption processor.

As examples of the prior art that might be applied to this claim, I have attached Allebach et al. (US 4,949,389 A) and Javidi et al. (US 5,119,443 A). With respect to Allebach et al., Figure 1 shows a light source (28), a light array (SLM 18), a light array controller (SLM Driver 32); and a disruption processor (Host DEC 11/73 Processor 12). Similarly, Javidi et al. shows a light source (2 in Figure 2); a light array (SLM 15 in Figure 2); a light array controller (11 in Figure 2); and a disruption processor (6 in Figure 2). Therefore, I do not believe that claim 25, as filed, is patentable over the prior art.

To resolve this issue, I would suggest that the apparatus of claim 25 be amended so that it corresponds in scope to the scope of the method set forth in claim 1. Specifically, I would suggest that additional language setting forth the functionality and/or connectivity of the claimed elements should be added. To that end, on the next page I have set forth a proposed amendment to claim 25 that I believe adequately defines your invention so as to be patentable over the prior art. The language for this proposal was modeled from the language of claim 1 and the proposed claim would correspond in scope to the method of claim 1.

In addition, I also have included a proposed change to claim 18 to correct an apparent typographical/grammatical error.

Please review these proposals and this application, and then contact me at (703) 305-4788 to discuss this case. With your authorization, I can implement these changes by examiner's amendment, and the case can be passed to issue.



ANDREW W. JOHNS  
PRIMARY EXAMINER

**Proposed Amendment**

In claim 18, at line 3, change "to fast" to read --too fast--.

Amend claim 25 to read:

25. (Amended) An apparatus for visual copyright protection comprising:
- (a) a light source ~~inputting light~~ <sup>capable of producing</sup>;
  - (b) a light array, ~~having at least one element, acting on the input light to produce a modulated light beam~~ <sup>capable of at least one</sup>;
  - (c) a light array controller ~~for modulating said light array using a disruptive light modulation pattern~~ <sup>at least one</sup>; and
  - (d) a disruption processor ~~for producing said disruptive light modulation pattern based upon a criterion, said criterion being how said pattern is perceived by an IRD and a human differently.~~